

NOV 30 2005


## P A T E N T

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Gust H. Bardy et al. Confirmation No.: 8060  
Serial No.: 09/940,283 Examiner: K. Mullen  
Filing Date: August 27, 2001 Group Art Unit: 3766  
Docket No.: 1201.1105101 Customer No.: 21691  
For: DUCKBILL-SHAPED IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR  
CANISTER AND METHOD OF USE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT (37 C.F.R. § 1.321(c))**

<b>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))</b>	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at <u>571-273-8300</u> on the date shown below.	
<u>Kathleen L. Bockley</u>	
Type or print name of person signing certification	
	<u>November 30, 2005</u>
Signature	Date

Dear Sir:

The owner, Cameron Health, Inc., full of interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,866,044. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

Appl. No. 09/940,283

Term. Discl. dated November 30, 2003

Reply to Office Action of September 6, 2005

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as "the term of the prior patent is presently shortened by any terminal disclaimer," in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

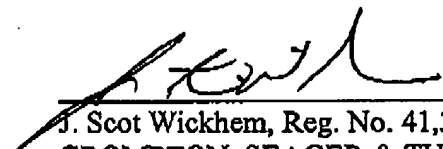
The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$65 (small entity) to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

CAMERON HEALTH, INC.

By its Attorney,

Date: November 30, 2005

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